Date: June 25, 2019

To: **INVESTIGATIVE FILE**
Elk Grove Police Department

From: **SERGEANT DANIEL TEMPLETON**
Bureau of Professional Standards

**SUBJECT: ADMINISTRATIVE INVESTIGATION – IA #19-003**

Pursuant to Elk Grove Police Department (EGPD) "Officer-Involved Shooting" Policy 310.7, the Professional Standards Bureau (PSB) has reviewed the Sacramento County Sheriff's Department (SSD) Report # 19-20147, EGPD Reports #19-354, #19-358, and all related evidence. These reports were completed to document and investigate the officer-involved shooting that took place on January 17, 2019, at approximately 11:09 a.m. This correspondence is a summary of that review and will serve as the administrative investigation as outlined in Elk Grove Police Department Policy 310.7. In accordance with Elk Grove Police Department "Use of Force Review" Policy 302, this correspondence will be forwarded to the Use of Force Review Board.

## INVESTIGATIVE REVIEW:

On January 17, 2019, PSB was present to monitor Officer Paul Resch's voluntary interview. SSD was the lead investigative agency in this case. SSD's Homicide Bureau completed a lengthy and extensive investigation. After the investigation was concluded by SSD detectives, the case was forwarded to the Sacramento County District Attorney's Office. As of the completion of this administrative investigation, EGPD has yet to receive the Sacramento County District Attorney's finding regarding this shooting.

SSD's concluded investigation was provided to the Elk Grove Police Department's Professional Standards Bureau for administrative review.

The summary below is a compilation of all the statements and investigative information condensed for use as a review. The statements provided to the criminal investigators were done so voluntarily by the officers and all EGPD employees.

The official incident report and evidence will be kept confidential but available to each reviewer. All official documents related to SSD Report # 19-20147 and EGPD Reports

#19-354 and #19-358 will remain housed within the Professional Standards Bureau secured offices.

**INVOLVED OFFICER:**

| | |
|---|---|
| **Paul Resch:** | Police Officer |
| Badge | # 150 |
| Employee | # 10103 |
| Hire Date | 06/23/2006 |
| POST Date | 05/20/1999 |

**SUSPECT:**

**Jason Gonzalez- Warren**

| | | |
|---|---|---|
| DOB: | 05/12/1993 | |
| Height: | 5'11" | |
| Weight: | 165 | |
| CII: | [redacted] | |
| Charged Crimes: | PC 69 | Obstruct/ resist executive officer by threat or violence |
| | Warrant | Outside Agency no bail misdemeanor arrest warrant |

**INCIDENT SUMMARY:**

On Thursday, January 17, 2019, at 10:56 a.m. Traffic Unit Officers Paul Resch and Kenny Viec were working together in the same patrol vehicle. Officer Resch was the driver, and Officer Viec was the front passenger. Typically, Officers Resch and Viec patrol on police motorcycles; however, on this date, they doubled up in a patrol car due to poor weather. Officers Resch and Viec had just completed a traffic stop in the area of Sheldon North and were traveling to Texas Roadhouse, 8094 Orchard Loop Ln, for their lunch break. Texas Roadhouse was holding a fundraiser for Davis Police Officer Natalie Corona, who was at the time, recently killed in the line of duty.

As Officer Resch turned onto Orchard Loop lane from Power Inn Road, Officer Resch saw Jason Gonzalez- Warren walking westbound along the south side of Orchard Loop Lane. Gonzalez- Warren had his back to the Officers. Gonzalez- Warren was carrying a black cylinder like object in his right hand that Officer Resch perceived to be the barrel of a revolver firearm. Gonzalez- Warren looked in the direction of the officers and started to run away from the location of the officers. Gonzalez- Warren rounded the

street corner towards Firestone Complete Auto Care. Officer Resch drove after Gonzalez- Warren. Gonzalez- Warren hands moved towards the front of his waistband area, in a location that was concealed from officers' view. Gonzalez- Warren continued to move his hands around his waistband area. Officer Resch drove up behind Gonzalez- Warren and directed him to show his hands. Gonzalez- Warren did not initially respond. Gonzalez- Warren then quickly turned around in a counter-clockwise rotation to face the officers. Officer Resch observed Gonzalez- Warren had the same black object that he believed was a firearm in his hand. Officer Resch intentionally fired one (1) round from his duty pistol at Gonzalez- Warren. Officer Resch detained Gonzalez-Warren.

Initially, Gonzalez- Warren, and officers were unaware Gonzalez- Warren had been struck by Officer Resch's round. A round impact was located in a building behind where Gonzalez- Warren was standing. Officers later discovered Gonzalez- Warren's had sustained a non-life-threatening bullet graze wound.

The initial scene investigation commenced.

**REVIEW OF EVIDENCE:**

During this shift, Officer Resch carried a loaded Glock 17 9mm firearm (17+1) with a magazine designed to carry seventeen (17) rounds. After this incident, the firearm was found "out of battery" due to a single "stove-piped" round (stuck in the gun ejection port). The "stove-piped" round was a .40 caliber round. The magazine contained seventeen (17) live 9mm rounds for a total of eighteen (18) rounds (17 .9mm + 1 .40 caliber.) EGPD Rangemaster Sergeant Gabe Ramos advised me, although these magazines are designed to carry 17 rounds, it is possible to load an 18th round.

After the round count was complete, SSD Crime Scene Investigator Deputy Lopes collected Officer Resch's firearm and magazine.

EGPD Rangemaster Sergeant Gabe Ramos and I later inspected Officer Resch's firearm. Sergeant Ramos noted the weapon's only modification was the addition of Trijicon sights with a yellow front dot. Sergeant Ramos noted the firearm had a Streamlight TLR-7 tactical light attached to the firearm. Sergeant Ramos noted the firearm appeared to be in good working order and properly maintained.

SSD Crime Scene Investigation recovered the following items from the scene:

- One (1) spent casing, Hornady 9mm Luger +P (Recovered from gutter on driver's side of Officer Resch and Viec's patrol vehicle)
- Two (2) unopened packs of "Extreme Start Firestarter (Recovered from the hood of Officer Resch and Viec's patrol vehicle)

- One (1) gold colored butane lighter (Recovered from the hood of Officer Resch and Viec's patrol vehicle)
- One (1) gray colored knit cap (Recovered from the gutter near shell casing)
- One (1) blue-colored bandana (Recovered from the gutter near shell casing)
- One (1) glass narcotic pipe, broken (Recovered from the gutter near shell casing)
- Six (6) grams of apparent marijuana, found wrapped in plastic and tucked within the blue bandana (Recovered from the gutter near shell casing)
- One (1) blue-colored BIC lighter "torch" style (Recovered from the ground at the west entrance to the parking lot of 8055 Orchard Loop Lane)
- One (1) tiny piece of red plastic, (Recovered from the north parking lot of 8055 Orchard Loop Lane near apparent impact mark in exterior wall
- Two (2) sweatshirts (Removed and recovered from Gonzalez- Warren at EGPD)

Gonzalez- Warren sustained an approximately 1-inch long abrasion under his right nipple

No officers were injured during this incident.

Officer Resch and Viec's patrol vehicle's In-Car Camera (ICC) was not activated during this incident. EGPD Information Technology staff obtained manually extracted video from the ICC unit showing the shooting but did not contain audio.

Officer Resch's Body Worn Camera (BWC) was not activated before the shooting. EGPD Information Technology staff obtained manually extracted video from Officer Resch's BWC showing the shooting but did not contain audio. Officer Resch activated his BWC approximately 2 minutes and 10 seconds after the shooting during the pat down of Gonzalez- Warren. The second BWC video from Officer Resch's activation contains audio.

Officer Viec's BWC was activated after the shooting; however, the 30-second "record after the fact" feature captured the incident on video but without audio.

All of these videos were included in this investigation.

## Training Record Review

A review of Officer Resch's training records showed that as of the date of the OIS, Officer Resch was current in his range training and qualifications. Officer Resch qualifies bi-annually and last qualified with his handgun on October 22, 2018. Officer Resch last completed a POST firearms update on September 25, 2017.

**ADMINISTRATIVE REVIEW:**

After gathering all materials available, a review was conducted to investigate the adherence to EGPD policies by involved EGPD officers during this incident. It should be noted Officer Resch did not activate his body worn camera or the patrol car's in-car camera before this contact (EGPD Policy 446.4.1)